

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT UPON CONVICTION FOR A FIRST OFFENSE OF DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE BLOOD ALCOHOL CONCENTRATION, THE JUDGE SHALL, IF A TEST SHOWED A BLOOD ALCOHOL CONCENTRATION OF 0.16 OR GREATER, AND MAY, IN ANY OTHER FIRST OFFENSE CASE, ORDER INSTALLATION OF AN APPROVED IGNITION INTERLOCK DEVICE IF ONE IS AVAILABLE; AND AMENDING SECTION 61-8-442, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-442, MCA, is amended to read:

"61-8-442. Driving under the influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device discretionary on first offense. (1) In addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition, the court ~~may~~ shall, for a first offense for which a test showed that the defendant's blood alcohol concentration at the time of the offense was 0.16 or greater, and may, for any other first offense, restrict a defendant to driving only a motor vehicle equipped with a functioning ignition interlock device and require the defendant to pay the reasonable cost of leasing, installing, and maintaining the device if:

~~_____ (a) the court determines that approved ignition interlock devices are reasonably available;~~

~~_____ (b) the defendant's blood alcohol concentration at the time of the arrest was 0.18% or greater; and~~

~~_____ (c) the defendant has not been previously convicted of a violation of 61-8-401 or 61-8-406.~~

(2) Any restriction imposed under this section must be included in a report of the conviction made by the court to the department in accordance with 61-11-101 and placed upon the person's driving record maintained by the department in accordance with 61-11-102.

(3) The duration of a restriction imposed under this section must run parallel to the time period for suspension of the driver's license of the defendant in accordance with 61-2-107, 61-5-205, and 61-5-208 and must be monitored by the department."

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